



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

**LEOTA BAKER-BROYLES
Complainant,**

and

**FOLGER-ADAMS,
Respondent.**

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) **Charge No:2000 CF 2448**
) **EEOC No:**
) **ALS Nos: 11820**
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RECOMMENDED ORDER AND DECISION

This matter is before me on my own advice for issuance of a Recommended Order and Decision. Based upon the record, I make the following findings of fact:

FINDINGS OF FACT

1. Complainant filed a Charge with the Illinois Department of Human Rights (Department) on April 25, 2000, amended on September 25, 2000.
2. On July 3, 2002, the Department, on behalf of Complainant, filed a Complaint with the Illinois Human Rights Commission (Commission) alleging Complainant to have been aggrieved by practices of sexual harassment and constructive discharge in violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101 et. seq.
3. Notice that public hearing on the merits was set for August 28, 2002 was served upon all parties of record on July 9, 2002.
4. On August 7, 2002 a proposed Order was filed purportedly signed by counsel for both Parties and Complainant indicating that this matter had been settled and dismissing the matter. No proof of service upon the Department or upon the Parties accompanied this proposed order.
5. In response, I issued an order August 29, 2002, ordering the Complainant to serve all Parties and the Department with a Voluntary Motion to Dismiss and to file proof of such service with the Commission within five days.
6. To date, no such proof of service has been filed.

CONCLUSION OF LAW

The failure of Complainant to comply with my August 29, 2002, order to properly serve a motion for voluntary dismissal has resulted in unreasonable delay, justifying dismissal of this Complaint with prejudice.

DISCUSSION

Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings. Similarly, 775 ILCS 5/8A-102(l)(6) authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute her case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge.

The record indicates that Complainant has ignored my August 29, 2002 order to properly serve all Parties and the Department with a motion for voluntary dismissal and to file proof of such service with the Commission. Therefore, I can take no other action in this case except to dismiss the Complaint.

RECOMMENDATION

Therefore, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

By: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: October 21, 2002